

REMARKS

Claims 1-4 and 8-11 are pending in the current application. Claims 5-7 were withdrawn from consideration.

In the final Office action mailed May 7, 2010, the Office maintained the rejections of claims 1-4 and 8-11 under 35 U.S.C. § 103(a). In this response, the Applicants amend the claims and present remarks relating to the patentable nature of the invention. The Applicants believe that these amendments overcome the rejections of the art of record and respectfully request reconsideration and allowance of the claims by the Office.

Amendments to the Claims

The Applicants amend independent claims 1 and 8 to further require that, in the claimed indicator, an edge of the first portion extends from one end of the fold line to the other end of the fold line. This edge is adjacent to the portion of the adhesive on the second portion that remains exposed along an entire length of the edge. For the sake of clarity, this edge between the ends of the fold line is not the fold line itself, but is a portion of the periphery of the indicator that generally extends around the first portion before folding.

The new limitation to independent claims 1 and 8 describe an indicator which, after the folding the first portion and second portion of the substrate into one another to activate the indicator, will have a first portion that is substantially surrounded by exposed adhesive on its edges other than along the fold line. One advantage of this structure is that, as folded, the indicator can be securely attached to a separate item without a portion of the indicator loosely flapping such that the loose portion could readily catch on another item and the indicator could be removed or torn from the item to which the

indicator was attached. Yet, when desired, the claimed indicator is still easily removed from an item to which it is attached, as an individual could place his or her finger under the fold line of the activated and attached indicator to lift and remove the indicator, since this part of the indicator is not configured for direct adhesion to the item. Advantageously, to remove the indicator an individual would not need to try to wedge his or her fingernails or another object between an adhered surface of the indicator and the item to which the indicator is attached.

The Applicants also present new dependent claims 12-19 which depend from one of either independent claim 1 or independent claim 8. Dependent claims 12, 13, 16, and 17 provide further definition and structure to the edge that extends between the two ends of the fold line. Dependent claims 14 and 18 indicate that the indicator may be configured for attachment to a separate item via the adhesive on the second portion that remains exposed. Dependent claims 15 and 19 indicate that the indicator may be a T-shape as is illustrated, for example, in FIGS. 3-5 of the application as originally filed.

35 U.S.C. § 103 Rejections

In the final Office action, the Office rejected claims 1-4 and 8-11 under 35 U.S.C. § 103(a) as being unpatentable by Ko et al. (U.S. Pat. 7,294,379) in view of Frommer et al. (U.S. Pat. 5,947,369).

In view of the amendments to independent claims 1 and 8, these rejections have been overcome as each and every element of the as-amended claimed language is not found in the references. Specifically, neither the Ko et al. reference nor the Frommer et al. reference, alone or in combination, teach an indicator with

a first and second portions joined at a fold line and having an edge of the first portion that extends from one end of a fold line to the other end of the fold line in which the edge is adjacent to a portion of the adhesive on the second portion that remains exposed along an entire length of the edge.

The Applicants observe that while the Ko et al. patent does disclose a structure including these newly-added elements (see e.g., FIGS. 26a-26e of the Ko et al. patent), that this portion of the Ko et al. patent is not entitled to the date of the Ko et al. provisional patent application and only is entitled to the March 7, 2003 date of the filing of the non-provisional patent application. As previously explained in the Applicants' "Response to Non-Final Office Action" of October 27, 2008, additional matter was entered between the Ko et al. provisional patent application and the Ko et al. non-provisional patent application. Therefore, not all of the Ko et al. patent is entitled to the earlier provisional filing date. Moreover, the Applicants' provisional patent application was filed between the Ko et al. provisional patent application and the Ko et al. non-provisional patent application (now patent). The Applicants' provisional application contains subject matter, including subject matter relating to the newly claimed language that was first disclosed in the Applicants' provisional patent application (see FIGS. 9 and 10 and pages 8 and 9 of the Applicants' provisional patent application; USSN 60/414,880 filed on October 1, 2002). Accordingly, the Office is reminded that not all of the Ko et al. patent can be used to show the newly claimed element as the Applicants' have established earlier disclosure in their provisional patent application.

No other references were used by the Office as a basis for rejecting independent claims 1 and 8 or any of the dependent

claims which depend therefrom. For this reason, the rejections based on the art of record have been overcome.

Accordingly, the Applicants assert that the as-amended independent claims 1 and 8 are patentable over the combination of the Ko et al. reference and the Frommer et al. reference and are in condition for allowance. As claims 2-4 and 12-15 depend from independent claim 1 and claims 9-11 and 16-19 depend from independent claim 8, these claims are allowable via the chain of dependency.

Conclusion

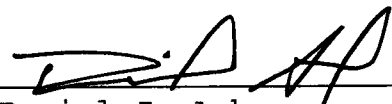
In view of the remarks above, it is believed that the application is in condition for allowance. However, the Examiner is invited to contact the undersigned attorney by telephone if doing so would expedite the allowance of this application.

The undersigned authorizes payment of \$810 for a Request for Continued Examination from Deposit Account 17-0055. No additional fees are believed to be due for this response. However, in the event that other fees are due, including fees for an extension of time or for presentation of excess claims, please charge them to Deposit Account 17-0055.

Respectfully submitted,

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